

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 7, 2014

SUBJECT: BZA Case 18695 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 1120 Park Road, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 406.1, Courts (10 feet required, 3.21 feet proposed); and
- § 2001.3, Addition to Nonconforming Structure

II. LOCATION AND SITE DESCRIPTION:

Address:	1120 Park Road, N.W.
Legal Description:	Square 2842, Lot 51
Ward:	1, 1A
Lot Characteristics:	The 2,180 square foot lot is located mid-block and is rectangular, with 16.66 feet of frontage on Park Road. The rear property line is 16.66 feet wide and abuts a 15 foot wide public alley.
Zoning:	R-4 – detached and semi detached single family dwellings.
Existing Development:	Row dwelling and flat, permitted in this zone.
Historic District:	Not Applicable
Adjacent Properties:	Adjacent properties are predominantly row dwellings, with lots developed similarly to the subject property.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Martin P. Sullivan
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Proposal:	The applicant is requesting relief that would permit a partial third floor addition that would expand the existing third floor. The footprint of the dwelling would remain unchanged and lot occupancy would not be increased. The third floor addition would maintain the existing court width, which is nonconforming at approximately three feet wide.
Relief Sought:	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief:
Height (ft.) § 400	40 ft. max.	33.2 ft.	33.2 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	16.7 ft.	16.7 ft.	None required ²
Lot Area (sq.ft.) § 401	1,800 sq.ft. min.	2,180 sq.ft.	2,180 sq.ft.	None required
Floor Area Ratio § 401	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	63%	63%	Existing nonconforming
Rear Yard (ft.) § 404	20 ft. min.	21 ft.	21 ft.	None required
Court § 406	10 ft. min.	3.21 ft.	3.21 ft.	Required

V. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Row dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of: § 406, courts; and § 2001.3, addition to a nonconforming structure.

The applicant proposes to construct a third story addition that would add approximately 360 square feet of living space to the dwelling, accommodating additional living space, an office and restroom, as well as a terrace with an outdoor spiral staircase. The applicant has revised the plans to remove a roof trellis structure that would have been constructed at the ceiling height of the third floor above the court.

The existing three story row dwelling is nonconforming in terms of lot occupancy and a court located along the east property line. The proposed addition consists of the build-out of the third story to the rear of the dwelling, and would not expand beyond the existing footprint of the home. While the existing dwelling has a nonconforming lot occupancy of 63%, the applicant advises that

¹ Information provided by applicant.

² The existing lot is nonconforming for lot width.

the proposed third floor addition would have a lot occupancy of 51%, which is less than the 60% permitted in the R-4 District. In addition, the third story would follow the existing footprint of the dwelling, resulting in the expansion of the nonconforming court along the east property line. While the zoning regulations require a ten foot wide court for flats, a 3.21 foot wide court would continue to be provided.

223.2 *The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The property located west of the subject dwelling also has a partial third story that extends from the front to the middle of the dwelling, while the property located east is two stories. As a result, neither neighbor would share a common wall with or have windows that would be compromised by the proposed addition.

The 15 foot wide public alley located along the south property line in concert with the 21 foot rear yard would provide separation from dwellings located on the other side of the alley, ensuring that those dwellings will be minimally impacted. Therefore, the light and air available to neighboring properties should not be unduly affected.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed addition would not increase the footprint of the dwelling. The dwelling would continue to be separated from dwellings to the south by a sufficient rear yard and 15 foot wide public alley. The attached dwellings located along either side of the subject row home are two and three stories tall, and do not have roof terraces. The applicant has discussed the proposal with both neighbors, who subsequently provided letters of support for the record. Therefore, the privacy of use and enjoyment of neighboring properties should not be unduly compromised.

(c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The applicant submitted drawings illustrating that the proposed addition would be consistent with the design of the dwelling and in character with the neighborhood. The addition would not be visible from Park Road. While it would be visible from the public alley located along the south property line, the scale and design of the addition would be similar to existing development along the alley. Therefore, the proposed addition would not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

(d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant has provided drawings, including site plan and elevations, and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways.

223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The existing lot occupancy is 63 percent, which is less than the maximum of 70 percent permitted in the R-4 District with a special exception. The lot occupancy would not be increased with this proposal.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

The Office of Planning has no recommendations for special treatments for this application.

223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application would not result in the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS

As of the writing of this report, this request has not been discussed at an ANC meeting. The request has been scheduled for the January 8, 2014 agenda. The applicant has provided two letters from the adjoining neighbors indicating their support for the proposed addition.

Attachment: Location Map

Location Map

